IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

ZACKARY KEGAN CRUZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CITY OF BROWNFIELD POLICE DEPARTMENT, et al.,	)	
	)	
Defendants.	)	Civil Action No. 5:12-CV-123-C

JUDGMENT PURSUANT TO RULE 54(b)

On this date the Court granted in part Defendants' Motion to Dismiss. There is no just reason for delay in entering a final judgment and final judgment should be entered pursuant to Federal Rule of Civil Procedure 54(b).

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Plaintiff's claims against Defendant Brownfield Police Department are **DISMISSED** with prejudice;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's claims against Defendants Joshua Coronado and Matthew Valdonado, in their official capacities, are **DISMISSED** without prejudice;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's Eighth Amendment claims for excessive use of force are **DISMISSED** with prejudice;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's state law claims barred by the Texas Tort Claims Act are **DISMISSED** with prejudice; and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's state law claims not arising out of intentional acts are **DISMISSED** without prejudice.

This judgment shall be a final judgment as to such claims, pursuant to Federal Rule of Civil Procedure 54(b).

Dated this 3rd day of October, 2012.

SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE